

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Dual Groupe,
Plaintiff-Respondent,

-against-

M-93
Index No. 652012/11

CPS Hospitality, LLC and Eli Gindi,
Individually and as a Member of the
LLC, and Jack Braha,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 14, 2013 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, dated December 23, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2013 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Norma Crespo,
Plaintiff-Respondent,

-against-

M-6375
Index No. 309613/12

Joseph Hoffman and Jeanine Hoffman,
Defendants-Respondents,

Paul Hoffman,
Defendant-Appellant,

-and-

"John Doe", etc.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 24, 2013,

Now, upon reading and filing the stipulation of the parties hereto, dated December 10, 2013, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2014 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of
the Family Court Act.

John S., M-4846
Petitioner-Appellant, Docket No. P-11051/13

-against

Imari W. and Kwamel B.,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about August 5, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Thomas R. Villecco, Esq., 366 North Broadway, Suite #410, Jericho, NY 11753, Telephone No. 860-841-8403, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-5106, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a large initial "S" and "R".

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of
the Family Court Act.

John S., M-5106
Petitioner-Appellant, Docket No. P-11051/13

-against

Imari W. and Kwamel B.,
Respondents-Respondents.

-----X
Respondent-respondent Kwamel B. having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about August 5, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Jo Ann Douglas, Esq., 170 Second Avenue, New York, NY 10003, Telephone No. 212-673-2895, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4846, decided simultaneously herewith.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Lucy T.,
Felicity M.,
Yolicia M.,
Diajenice P., and
Mahoganie A.,

Children Under the Age of 16 Years
Alleged to be Neglected and/or Abused
Under Article 10 of the Family Court Act.

M-4849
Docket Nos.
NA-30679-83/10

Commissioner of Children's Services
of the City of New York,
Petitioner-Appellant-Respondent,

Luz M.,
Respondent-Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child
Lucy T.,

George Reed, Esq.,
Attorney for the Children
Yolicia M., Mahoganie A.,
Diajenice P. and Felicity M.

-----X

An appeal having been taken by the petitioner Commissioner of Children's Services from orders of the Family Court, Bronx County, entered on or about May 23, 2013 and June 4, 2013, respectively,

And respondent-appellant mother having moved for leave to prosecute, as a poor person, her cross appeal from the aforesaid orders, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. 914-793-7534, as counsel for purposes of prosecuting respondent mother's cross appeal and responding to the aforesaid appeal by the Commissioner; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court** (See M-4421A, decided simultaneously herewith).

ENTER:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Lucy T., Docket Nos. N-30679/10
Felicity M., N-30680/10
Diajenice P., N-30681/10
Mahaganie A., N-30682/10
and Yolicia M., N-30683/10

Children Under 18 Years of Age
Alleged to be Abused and/or
Neglected Under Article 10 of
the Family Court Act.

- - - - - M-4421A
Commissioner of Children's
Services of the City of New York,
Petitioner-Appellant-Respondent,

-against-

Luz M.,
Respondent-Respondent-Appellant.

- - - - -
George E. Reed, Jr., Esq.,
Attorney for the Children.
-----X

Eugene P. McGloin, Esq., Family Court attorney for the subject children, having moved on the children's behalf for leave to respond, as a poor persons, to the appeal and cross appeal taken from orders of the Family Court, Bronx County, entered on or about May 23, 2013 and on or about June 4, 2013, for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of responding to the aforesaid appeal and cross appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with this Court. The order of this Court entered on October 31, 2013 (M-4421) recalled and vacated. See M-4849, released simultaneously herewith).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6420
Ind. No. 5062/02

Keith Fair,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Barrett, J.) entered on or about December 5, 2013, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b) (2) of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) one transcript of the stenographic minutes of the SORA hearing and any other proceedings before Justice Barrett as yet not transcribed. The Clerk shall furnish a copy of such transcript to appellant's counsel, Esq., without charge, the transcript to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100,, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
David Friedman
John W. Sweeny, Jr., Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4820
Ind. No. 7837/95

Andrew L. Postelli,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 9, 2013 (M-2426), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2012, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant having moved for an order relieving assigned counsel and substituting other counsel to prosecute the appeal or, in the alternative, for leave to proceed pro se on the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The motion is otherwise denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5829
Ind. No. 2698/13

Edwin Irizarry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 9, 2103, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
In the Matter of

Izora W.,

A Child Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act.

M-5207

Docket No. NN-8778/13

- - - - -
The Administration for Children's Services,
Petitioner-Respondent,

Marissa W.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about March 20, 2013,

And respondent-appellant mother having moved to stay the aforesaid order pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
Richard T. Andrias
David B. Saxe
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
Joandra Cabrera, an Infant by her
Mother and Natural Guardian, Sandra
Cabrera and Sandra Cabrera,
Individually,
Plaintiffs-Respondents,

-against-

M-5864
Index No. 17719/06

New York City Health & Hospitals
Corporation,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 11, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Rolando T. Acosta
Karla Moskowitz
Judith J. Gische, Justices.

-----X
Edward A. Hudacko and Christine M.
Hudacko,
Plaintiffs-Appellants,

-against-

M-5699
Index No. 154342/12

Bank of America, N.A., et al.,
Defendants-Respondents,

John Does 1-20, representing any
REMIC Trusts, et al.,
Defendants.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 9, 2013, for failure to timely perfect,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Leland G. DeGrasse
Paul G. Feinman
Judith J. Gische, Justices.

-----x
Mohammad Hafeez,
Plaintiff-Respondent,

-against-

M-6722
Index No. 310307/08

Ghassan Ishak, Jr., etc., et al.,
Defendants-Appellants,

-and-

Muhammad Nazar,
Defendant.

-----x
Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about October 21, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland DeGrasse
Rosalyn H. Richter
Darcel D. Clark, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Hector Matos,
Defendant-Appellant.

M-5637
Ind. No. 4517/08
Case No. 64335C/08

-----X

An order of this Court having been entered on May 30, 2013 (M-1947), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 25, 2013, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Peter Principe,
Petitioner-Respondent,

For a Judgment Confirming an
Arbitration Award Under Article 75
of the Civil Practice Law and Rules,

M-6417
M-6418
Index No. 150950/13

-against-

New York City Department of
Education,
Respondent-Appellant.

-----X
In the Matter of the Application of
The Board of Education of the City
School District of the City of New
York,
Petitioner-Appellant,

Index No. 450285/13

For a Judgment and Order Pursuant
to Article 75 of the Civil Practice
Law and Rules,

-against-

Peter Principe,
Respondent-Respondent.

-----X

An appeal having been taken from an order and judgment (One paper) of the Supreme Court, New York County, entered on or about July 15, 2013, with respect to both of the afore-captioned proceedings,

And petitioner-respondent/respondent-respondent, Peter Principe, having moved by separate motions (M-6417/M-6418) to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, it is

Ordered that the motions are granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In the Matter of Roberta L. Koepfel
and Alexandra Koepfel, as Executors of
the Last Will and Testament of

Robert A. Koepfel,
Deceased.

M-6428
M-6569
Surrogate's Court
File No. 1996-4098/A

- - - - -
Roberta L. Koepfel and Alexandra
Koepfel,
Third-Party Petitioners-
Respondents,

William W. Koepfel,
Third-Party Respondent-
Appellant.

-----X
(And other actions)

An appeal having been taken from an order of the Surrogate's Court, New York County, entered on or about December 14, 2012,

And third-party petitioners-respondents having moved for an order dismissing the aforesaid appeal (M-6428),

And third-party respondent-appellant having cross-moved for an order withdrawing the aforesaid appeal (M-6569),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that third-party petitioners-respondents' motion is denied (M-6428). Third-party respondent-appellant's cross motion is granted and the appeal is deemed withdrawn (M-6569).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6445
Ind. No. 11953/95

Juan Brito, also known as Angel
Rivera Diaz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of **resentence** of the Supreme Court, New York County, entered on or about July 26, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the **resentence**. The Clerk shall furnish a copy of such transcript to appellant's counsel, without charge, the transcript to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Diane T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

In the Matter of

Neamiah Harry-Ray H.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-6503

Docket No. B-6767/12

Episcopal Social Services,
Petitioner-Respondent,

Donna Marie M., also known as Donna Marie B.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 15, 2013, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John R. Eyerman, 225 Broadway, Suite 1800, New York NY 10007, Telephone No. (212) 921-0069 as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the of New York from funds available therefor;¹ **within 30 days (FCS 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of the receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014,

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6355
Ind. No. 4594/11

Maggie Elbiaz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 1, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Willie Williams,
Petitioner,

M-6330
Index No. 402691/12

For a Judgment Pursuant to Article 78
of the Family Court Act,

-against-

New York City Housing Authority,
Respondent.
-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 29, 2013,

And petitioner having moved for leave to prosecute the aforesaid proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied in its entirety.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X

Lane Altschuler,
Plaintiff-Respondent,

-against-

M-5770
Index No.603556/09

Jobman 478/480 LLC,
Defendant-Appellant.

-----X

Appeals having been taken to this Court by defendant-appellant from the order of the Supreme Court, New York County, entered on or about January 18, 2013 and from an order of the same Court and Justice entered on or about October 1, 2013, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time to perfect same,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the June 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X

The Board of Managers of the South Star,
Plaintiff-Respondent,

-against-

M-6193

Index No. 159101/12

Sophie Grishanova,
Defendant-Appellant.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about February 8, 2013 and March 8, 2013, respectively, and said appeals having been perfected,

And defendant-appellant having moved for a stay of a certain hearing on damages pending hearing and determination of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied as academic.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Francoise Jean-Baptiste,
Plaintiff-Appellant,

-against-

M-6141
Index No. 103042/07

153 Manhattan Avenue Housing
Development Fund Corp.,
Defendant-Respondent.

(And a third-party action)
-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 17, 2012 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Michael Mulgrew, As President of
the United Federation of Teachers,
Local 2, American Federation of
Teachers, AFL-CIO,
Petitioner-Respondent,

-against-

M-6315
Index No. 102715/12

Board of Education of the City
School District of The City of
New York, Dennis Walcott, as
Chancellor of the City School
District of the City of New York,
Defendants-Appellant.

To Confirm An Arbitration Award
Pursuant to CPLR § 7510

-----X

Defendants-appellants having moved for an enlargement of time to perfect the appeal from an order and judgment of the Supreme Court, New York County, entered on or about September 21, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Scottsdale Insurance Company,
Plaintiff-Respondent,

-against-

M-6317
Index No. 117118/08

Shaira Construction Corp.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 26, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
Tower Insurance Company of New York,
Plaintiff-Appellant,

-against-

M-6183
Index No. 112516/10

Jamal Ahmad, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 27, 2012,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the June 2014 Term, with no further enlargements to be granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6439
Ind. No. 4350/12

Raymond Guilloirly,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 20, 2013 (M-3209), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 22, 2013, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Richard T. Andrias
Karla Moskowitz, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-6641
Ind. No. 4434/11

Stephen Saunders,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 14, 2012 (M-2925), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 22, 2012, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X
In Re: New York City Asbestos Litigation:
-----X

Frederick A. Porta and Rose Porta,
Plaintiffs-Respondents,

-against-

M-6000

Index No. 104029/03

A.O. Smith Water Products, et al.,
Defendants,

Including Crane Co.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 24, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2014 Term, with leave to seek further enlargements, if necessary. (See M-6002, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Leland G. DeGrasse
Helen E. Freedman
Judith J. Gische, Justices.

-----X
In Re: New York City Asbestos Litigation:
-----X

Lynda D'Andrade, as Proposed Executrix
for the Estate of Thomas George Miskill,
and Helena Miskill, Individually,
Plaintiffs-Respondents,

-against-

M-6002

Index No. 109496/03

A.W. Chesterton Company, et al.,
Defendants,

Including Crane Co. and Crane Pumps &
Systems, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 24, 2013,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2014 Term, with leave to seek further enlargements, if necessary. (See M-6000, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. David Friedman, Justice Presiding,
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X
Rosemarie A. Herman, etc.,
Plaintiffs-Appellants,

-against-

M-5940
Index No. 650205/11

Julian Maurice Herman, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about February 8, 2013 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated November 11, 2013, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the June 2014 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
Richard T. Andrias
David B. Saxe
Darcel D. Clark, Justices.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Jose S.,
Petitioner-Respondent,

M-6259
M-6302

Docket No. V-23373/09

-against-

Stella T.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved to dismiss the appeal from the order of the Family Court, Bronx County, entered on or about December 12, 2012, for failure to timely perfect (M-6259),

And respondent-appellant having cross-moved for an enlargement of time to perfect the aforesaid appeal (M-6302),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of dismissing the appeal unless perfected for the June, 2014 (M-6259). The cross-motion is granted to the extent of enlarging the time to perfect said appeal to the June 2014 Term, with no further enlargements to be granted (M-6302).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Rolando T. Acosta
David B. Saxe
Karla Moskowitz
Darcel D. Clark, Justices.

-----X
UBS Securities LLC, et al., etc.,
Plaintiffs-Appellants,

-against-

Highland Credit Strategies Master
Fund, L.P., et al.,
Defendants-Respondents,

M-6118
Index No. 650097/09

-and-

Highland Capital Management, L.P.,
et al.,
Defendants.

-----X

An appeal having been taken to this Court from the amended decision and order of the Supreme Court, New York County, entered on or about November 25, 2013 (mot. seq. nos. 023, 025), and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of the aforesaid order to effect the reinstatement of a temporary restraining order issued by the aforesaid Court on April 19, 2013 enjoining defendants from dissipating certain assets, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is deemed one for relief in the nature of a preliminary appellant injunction and, as such, is granted on the same terms and conditions as stated in the aforesaid temporary restraining order issued on August 19, 2013 as to the amounts and assets remaining in the specified funds therein.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Richard T. Andrias
Helen E. Freedman
Paul G. Feinman, Justices.

-----x
Marina Krylov,
Petitioner-Appellant-Respondent,

-against-

M-6279
Index No. 103608/09

Nikolai Krylov,
Respondent-Respondent-Appellant.
-----x

An appeal and cross appeal having been taken from the final order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 3, 2013,

And respondent-respondent-appellant having moved for dismissal of the direct appeal as untimely taken (CPLR 5513[a]),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied. Sua sponte, the matter is referred to the Office of Referees in Supreme Court, New York County, for a traverse hearing to hear and determine with respect to the timeliness of the taking of the appeal including but not limited to the issue of service of the aforesaid order appealed with notice of entry upon petitioner-appellant-respondent, with leave to the respective parties to move in this Court to confirm or disaffirm the report of the referee.

ENTER:


CLERK

CORRECTED ORDER - March 10, 2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Dianne T. Renwick, Justice Presiding,
Leland DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5551
Ind. No. 3344/12
4705/12

Patrick Archer,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 25, 2013, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) one transcript of the stenographic minutes of any proceedings pursuant to CPL § 210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcript to appellant's counsel, without charge, the transcript to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Judith J. Gische
Justice of the Appellate Division

-----X
The People of the State of New York,

-against-

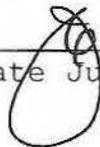
Walter Johnson a/k/a
Walter Cates, Sr.,
Defendant.

M-6416
Ind. No. 4596/06

CERTIFICATE
DENYING LEAVE

-----X

I, Judith J. Gische, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order dated June 24, 2013, of the Supreme Court, Bronx County (John W. Carter, J.), is hereby denied.



Associate Justice

Dated: January 14, 2014
New York, New York

ENTERED: **JAN 30 2014**

P.M ORDERS
FOR
JANUARY 30,
2014

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 30, 2014.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice.
Peter Tom
David B. Saxe
Sallie Manzanet-Daniels
Judith J. Gische, Justices.

-----X

Ira Russack,
Plaintiff-Appellant,

-against-

Harvey Russack, et al.,
Defendants-Respondents,

M-6511
Index No. 653031/12

Sterling Real Estate Holding
Company, Inc.,
Defendant.

-----X

An order of this Court having been entered on December 31, 2013 (M-6189) denying defendants-respondents motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 31, 2013 (Appeal No. 10815),

And defendants-respondents having moved for a stay of proceedings pending hearing and determination of the aforesaid motion,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


CLERK